

REMARKS

Claims 1-36 are pending in the application.

Claims 1-36 stand rejected.

Claims 1, 11-12, 15, 21-23, 27 and 36 have been amended.

Claims 10, 20, 24 and 28 have been cancelled.

Rejection of Claims under 35 U.S.C. §102

Claims 1, 5, 7, 13-17, 23, 25-27, 29-31 and 34-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sikora, et al., U.S. Patent No. 6,449,646 (Sikora). Applicants respectfully assert that this rejection is overcome by the amendments made to claims 1, 15, 23 and 27.

Rejection of Claims under 35 U.S.C. §103

Claims 2-4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sikora, et al., U.S. Patent No. 6,449,646 (Sikora). Applicants respectfully assert that this rejection is overcome by the amendments made to claims 1, 15, 23 and 27.

Claims 8-12, 18-22, 24, 28, and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sikora, et al., U.S. Patent No. 6,449,646 (Sikora) as applied to claims 1, 5, 7, 15-17, 23, 25, 27 and 30 above, and in view of Broughton, et al., U.S. Application No. 2003/0018702 (Broughton). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to

establish that one or more of the cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicants respectfully note that this rejection is moot with regard to claims 10, 20, 24 and 28, which are cancelled hereby. However, Applicants respectfully argue this rejection in light of the amendments made to claims 1, 15, 23 and 27.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

For the following reasons (which, Applicants note, apply with equal force to rejections under 35 U.S.C. § 102), Sikora does not contain all the limitations of independent claims 1, 15, 23 and 27, as amended, and so claims 8-9, 11-12, 18-19, 21-22, and 36, which depend variously from claims 1, 15, 23 and 27. Further, the Office Action makes no argument that Broughton discloses the missing limitations of these independent claims that are now respectfully argued by Applicants.

As an initial matter, the Office Action impermissibly divides the recited limitation a “multi-channel communication queuing system” into a “multi-channel communication” and a “queuing system”, drawing parallels between the former and PSTN 26 or Internet 28 of Sikora, and between the latter and Sikora’s Abstract (a point which remains unclear to Applicants, given the vagueness of this citation). Applicants respectfully submit that there is no such indication

nor demonstrable motivation provided in the disclosure of the claimed invention or in the ordinary skill in the art to break up the recited term in the manner suggested in the Office Action. Applicants intend that the term “multi-channel communication queuing system” be taken as a whole. In light of this fact, Applicants therefore respectfully submit that neither Sikora nor Broughton, taken separately or in permissible combination, show, teach or suggest such a limitation.

A parallel is also drawn in the Office Action between the claimed list of routes, and Sikora’s email queues, call queues and other queues. However, Applicants respectfully submit that the claimed list of routes cannot be equated with these elements. As noted in the Specification of the instant patent application, “A route represents a specific way to process the work item.” (Specification, p. 18, line 8) Moreover, the transfer of “... a work item to a route redefines the characteristics of the work item and the way the work item should be handled.” (Specification, p. 18, line 9; emphasis supplied)

By contrast, Sikora’s email queues, call queues and other queues are merely queues (or virtual queues) of entries representing the stored transaction messages (or actual stored transaction messages). As such, in and of themselves, these queues convey no information regarding a specific way to process a work item or comparable entity, and clearly do not redefine the characteristics of anything in Sikora’s system. Broughton also suffers from this infirmity, failing to show teach or suggest the claimed routes, and as a result (Applicants assume), is not even cited in this regard because of this deficiency.

For at least these reasons, Applicants respectfully submit that neither Sikora nor Broughton, either alone or in permissible combination, teach all of the limitations of independent claims 1, 15, 23 and 27. The burden is on the Office to support a case of obviousness, including

whether the references teach or suggest all of the claim limitations. *See* MPEP 706.02(j).

Applicants therefore respectfully submit that the cited references fail to so show, teach or suggest all the recited claim limitations.

The Office Action correctly notes, however, that Sikora fails to disclose information related to one or more escalation rules for a route (or the entering of such information or means to do so), as recited in independent claims 1, 15, 23 and 27, as amended. Broughton is relied on in the Office Action in this regard.

The Office Action, in this regard, equates assigning contacts to one of three tiers of service based on media type, with the claimed use of escalation rules (e.g., entering one or more escalation rules for the route). Applicants respectfully assert that this is inapposite. The claimed escalation rules define a way that a work item should be processed. (Specification, p. 33, lines 10-11) Simply entering a contact into a particular service tier, standing alone, does not involve an escalation rule, as an escalation rule comes into play when a work item is escalated (or, conversely, de-escalated).

Applicants also respectfully submit that a person of ordinary skill in the art would not be motivated to combine Broughton with Sikora based upon the teachings of the references themselves or the knowledge of the art. Sikora and Broughton each describe systems directed to the management of transaction messages (contacts): Sikora through the disclosure of the allocation of mixed transaction type messages to resources via an integrated queuing mechanism, and Broughton through the disclosure of a digital multimedia contact center. The disclosures of the references do not indicate that these methods are compatible, nor does the Office Action make such an argument. Applicants respectfully submit that such teachings would be considered cumulative to a person of ordinary skill in the art. Cumulative teachings argue against a finding

that references may be combined for obviousness. This is borne out by the following line of reasoning.

One of skill in the art at the time of invention would have, in fact, found no motivation in either Sikora or Broughton to combine their disclosures because the call center systems of Sikora and Broughton are each stand-alone systems, and do not perceive any need for any features of the other. Sikora provides for the assignment of transaction messages to the appropriate queue. Broughton discloses a call center system that first routes a contact based on its media type, then routes the contact based on routing criteria. Both Sikora and Broughton are thus capable of routing a transaction (contact) to an agent. However, neither Sikora nor Broughton disclose any failings or needs of their systems, that might serve as a basis for one of skill in the art to find a motivation to combine their disclosures.

One of skill in the art at the time of invention would have found no motivation to combine the disclosures of Sikora and Broughton because the systems disclosed therein are, in fact, cumulative with one another. For example, Sikora's workflow plan and Broughton's routing criteria provide similar functionality. Sikora's workflow plan controls the routing of a transaction through the use of routing rules (col. 6, lines 13-16) that can take into account a wide variety of parameters and considerations (col. 6, lines 45-58). Similarly, Broughton defines routing criteria that are used to control the handling of a given contact. (P. 26, lines 1-16) Because these approaches add nothing to each other in this regard, this aspect of their disclosures does not militate toward the combining of their disclosures. Clearly, a system of Broughton's would have nothing to gain by any inclusion of any of Sikora's features, because such features would be either redundant or of no advantage.

However, it is posited in the Office Action that the escalation and de-escalation disclosed by Broughton would be combined with Sikora, because “integrating the different media into a single center in such a way that contacts of disparate nature (i.e., work items) [would be] ... allocated to agents in a more effective way.” (Office Action, p. 8) As is evident, and as noted, there is no motivation shown, taught or suggested in Broughton for the inclusion of Sikora’s disclosure, because Sikora offers nothing to Broughton. The converse is also true because (1) Sikora fails to recognize the need for escalation/de-escalation and (2) the systems of Sikora and Broughton are incompatible with one another.

As to the first point, as noted, each approach is able to make a determination as to which agent is assigned a given transaction (contact) on its own, and neither reference expresses a need for the determination to be supplemented with any further determination. The selection made using either method is presented as being sufficient for the purposes of the relevant disclosure, and so no motivation exists to combine those disclosures.

However, even if an attempt were made to combine Sikora and Broughton, for which Applicants maintain no motivation exists, such an effort would be unsuccessful. Such a combination would thus fail to provide the functionality and flexibility provided by the claimed routes, and so their combination would fail to show, teach or even suggest the claimed invention. To combine the disclosures of Sikora and Broughton would result in one of two outcomes, neither of which would make obvious the claimed invention. The first alternative might be a system that could initially assign requests (contacts) based on their media (as such provided in both Sikora and Broughton). Unfortunately, such a system would then be unable to alter the assignment once made. Once assigned, Sikora provides no facility for moving a transaction from one queue to another, and Broughton provides no teaching regarding how a system such as

Sikora's could be modified thusly. There is therefore no teaching in either reference that would allow one of skill in the art to combine their disclosures in this manner, even if one of skill in the art were so inclined.

In the alternative, the queues of Sikora could be fed into a system of Broughton for escalation/de-escalation. This provides no benefit over Broughton standing alone, and thus, no motivation is provided for the combination of the two disclosures. This is to say that Broughton derives no benefit from Sikora (as noted above, in fact), as Broughton is directed to (and capable of) integrating contacts employing a variety of media. This is in harmony with Broughton's stated application of being able to integrate contacts from a variety of media sources. Thus, the use of Sikora in Broughton would be cumulative, and no benefit derived therefrom. Thus, in light of the foregoing, Applicants are at a loss as to the manner in which a hypothetical call center system could be constructed using the two techniques because of their incompatibilities and cumulative nature, in a manner that would show, teach or suggest the claimed invention.

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of independent claims 1, 15, 23 and 27, and all claims dependent upon them, and that all remaining claims are therefore in condition for allowance. Applicants therefore request the Examiner's reconsideration of the rejections to those claims.

Claims 32-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sikora, et al., U.S. Patent No. 6,449,646 (Sikora) in view of Crowther, et al., European Patent No. 1113656 (Crowther). Applicants respectfully assert that this rejection is overcome by the amendments made to claims 1, 15, 23 and 27.

For at least the foregoing reasons, Applicants respectfully submit that the invention, as claimed in independent claims 1, 15, 23 and 27, is not made obvious by Sikora, taken in

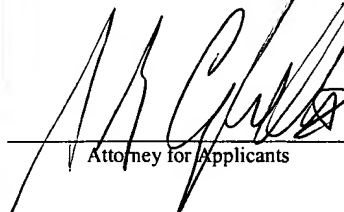
permissible combination with Broughton, and/or skill in the art at the time of invention.

Moreover, Applicants respectfully submit that claims 2-9, 11-14, 16-19, 21-22, 25-26 and 29-36, which depend from independent claims 1, 15, 23 and 27, are also allowable for at least the foregoing reasons. Applicant therefore respectfully submits that claims 1-9, 11-19, 21-23, 25-27 and 29-36 are in condition for allowance.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 22, 2005.

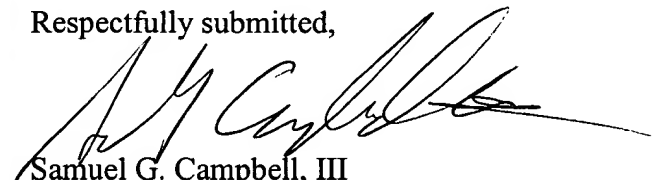


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3/22/05

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